

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Francesca Kuglen	Atty Docket:	K551-003.B
Serial No.	:	10/764,279	Examiner:	Robyn Kieu Doan
Filed	:	January 22, 2004	Art Unit:	3732
For	:	STRETCH COMB HAIR RETAINER	Conf. No.:	9690

**RULE 132 DECLARATION OF LAURIE ERICKSON
(37 CFR 1.132)**

This declaration is offered in support of the above-identified patent application by Francesca Kuglen.

I, Laurie Erickson, declare as follows:

1. I have been involved in the hair accessory business for the past 26 years and have owned and operated The Finest Accessories, Inc., located in North Bend, Washington, for the past 12 years. The Finest Accessories markets and sells a variety of hair accessory products under the brand France Luxe, and under the L. Erickson and L. Erickson USA luxury brands. Products we sell under these brands include barrettes, hair combs and sticks, headbands, ponytail holders and bobby pins.
2. All of our brands are sold through retail department stores, spas and boutiques, as well as directly to the consumer through Amazon.com and our website at www.franceluxe.com. Attached hereto as **Exhibit A** is a printout of a page from our website featuring some of our current hair comb and hair stick products. We have combs of many different sizes, shapes and materials, including hand-made cellulose acetate combs, injected plastic combs and wire loop combs.
3. I am closely involved in all aspects of my company's business including marketing and product design. In regards to product design, I create new hair accessory designs myself and work with other employees within the company to come up with new designs. I also on occasion work with outside designers. Mostly, our hair accessory designs are developed internally, sometimes with input from retail buyers, who often come up with fashion and trend ideas based on their experiences in the marketplace.

4. I would describe the hair accessory business as a crafts business and the hair accessory design process as an organic one. The ordinary designer of hair accessory products is not technically inclined or inclined to make significant changes in product function. Designers in our field generally focus on the aesthetic and create new decorative elements that are added onto an existing base, such as a barrette, headband or comb.

5. In the course of my design and marketing activities at Finest Accessories, I have worked with many types of combs, including injected plastic combs, cellulose combs and Japanese style wire loop combs. Different combs have different characteristics, including the width, thickness, length of the teeth, the number of teeth, tooth construction (e.g. with or without openings), and the material used. The physical characteristics of the comb are important because they affect how the comb will function in the hair. For a particular application, I would not consider simply substituting one type of comb for another type of comb. Combs having significantly different physical characteristics behave much differently in the hair.

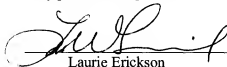
6. I have known about wire loop combs for about 20 years, and my company currently carries decorative wire loop combs as shown on **Exhibit A** attached to this declaration. (See page 3, product codes L12023 and L12026.) Wire loop combs are peculiar combs having characteristics somewhat like a row of bobby pins. They have traditionally been used singly in the hair with decorative elements on the spine to provide a hair adornment, such as may be worn by a bride. Used singly, they can hold back stray “fly-away hair” such as in an updo hairstyle. By themselves, wire loop combs are not strong and lack stability. Thus, they are not a good solution for holding hair in place.

7. I am familiar with the double comb hair accessory product created by Ms. Kuglen, which is called Hairzing and a version of which is disclosed in Ms. Kuglen’s patent application Serial No. 10/764,279, which I have reviewed. As a hair accessory designer and one who has worked many years with hair combs, including wire loop combs, I consider her use of wire loop combs as a holding element in a double comb hair accessory application to be very innovative. By this unique use of wire loop combs, Ms. Kuglen has created a unique functionality in a hair accessory product. Because of their physical characteristics and tendency to fall out of the hair, I would not have thought to use wire loop combs for this purpose or predicted that they would have worked in this application. Before I became aware of the use of wire loop combs in this application, I would have thought that the elastic strands pulling on the combs would pull the combs out of the hair.

[DECLARATION PAGE FOLLOWS]

The undersigned declares that all statements of her own knowledge made herein, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application, or any patent issuing thereon.

Date: 12.04.09


Laurie Erickson

Application No. 10/764,279

Declaration of Laurie Erickson

37 CFR 1.132

EXHIBIT A

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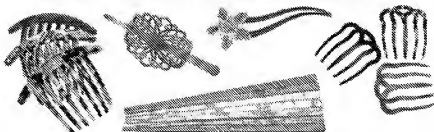
[Barrettes](#) | [Combs & Sticks](#) | [Headbands](#) | [Headwraps](#) | [Jaws & Cascades](#) | [Ponytail Holders](#) | [Bobby Pins](#) | [Crystal](#) | [Fashion](#)

 L. Erickson ★ U.S.A. | 100% Silk Solids | 100% Silk Prints | Velvet, Wool, Luxury Blends | *Weddings* | \$16 & Under | Sale

Home

Home > Hair Combs & Hair Sticks - All

Combs & Sticks - All


 France Luxe Interlocking
 Comb Pairs - Classic

 France Luxe Lattice Slide -
 Classic

 France Luxe 18 Tooth
 French Side Comb - Classic

 Code: 9835
 Retail Price: \$14.00

 Code: 9732
 Retail Price: \$34.00

 Code: 9832
 Retail Price: \$6.00

 France Luxe 15 Tooth
 French Side Comb -

 France Luxe Classic Hair
 Pin - Classic

 France Luxe 8 Tooth
 Vintage French Comb -

 Barrettes - All
 Hair Combs & Hair Sticks - All
 France Luxe Combs & Sticks
 L. Erickson Combs & Sticks
 French Twist Combs
 Hair Slides
 Hair Sticks
 Headbands - All
 Jaws & Cascades - All
 Ponytail Holders - All
 Crystal Hair Accessories - All
 Fashion Accessories - All
 Styling Tools
 Gift Certificates
 Gift Wrapping

1155 S. 10th St.

 Sale
 Site Map - Over 2,000 Products
 Purchase Products to Support TNBC
 New This Week!
 Wedding Day Silk Solids
 Bobby Pins
 Buds & Blossoms
 Africa
 100% Silk Prints
 Velvet, Wool, Blends, 100% Cotton
 100% Silk Solids
 Headwraps - All
 Petite & Mini Barrettes
 Pins & Sticks
 Classic Tortoise Barrettes
 Nacre Brights
 Classic Tortoise Headbands
 Animals & Insects
 Wild Cat Collection
 Mini Jaws
 Hearts & Flowers
 Bows
 France Luxe Classics
 Garland Collection
 Sorbet Collection

Basket Contents

Quantity in Basket: none

Classic

Code: **9831**
Retail Price: **\$6.00**

Code: **9827**
Retail Price: **\$14.00**

Classic

Code: **9829**
Retail Price: **\$22.00**



France Luxe Greek Key
Slide - Classic

Code: **9828**
Retail Price: **\$36.00**



France Luxe 10 Tooth
Vintage French Comb -
Classic

Code: **9830**
Retail Price: **\$25.00**



France Luxe Crystal Mini
French Twist Comb - Black

Code: **9810**
Retail Price: **\$142.00**



France Luxe Mini French
Twist Comb

Code: **9792**
Retail Price: **\$24.00**



L. Erickson Wonderland
Chignon Pic - Lime/Blue

Code: **LI2351**
Retail Price: **\$44.00**



France Luxe Filigree Double
Slide

Code: **9809**
Retail Price: **\$11.00**



France Luxe 90x42mm
Hair Pin

Code: **9808**
Retail Price: **\$4.50**



France Luxe 75x26mm Hair
Pin

Code: **9807**
Retail Price: **\$3.00**



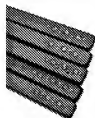
L. Erickson Five Tooth
Comb

Code: **LI2326**
Retail Price: **\$32.00**



L. Erickson Crystal Five
Tooth Comb

Code: **L12396**
Retail Price: **\$52.00**



France Luxe Vine Chignon
Pic

Code: **9797**
Retail Price: **\$48.00**



L. Erickson USA Polo Brand
French Twist Comb

Code: **L1044**
Retail Price: **\$23.00**



France Luxe Hair Stick
with Crystal Tips

Code: **9327A**
Retail Price: **\$18.00**



L. Erickson Leaf Comb with
Silver Beads

Code: **L19480**
Retail Price: **\$48.00**



L. Erickson Elegant Hair Pic
with Silver Beads -
Black/Silver - As Seen in
Shape Magazine
FASHION PRESS

Code: **L19477**
Retail Price: **\$34.00**



L. Erickson Two-Tone
Vine Slide Barrette

Code: **L12180**
Retail Price: **\$18.00**



L. Erickson Beaded French
Twist Comb

Code: **L12128**
Retail Price: **\$18.00**



L. Erickson Chantilly
Chignon Pic - Brown/Coral

Code: **L12095**
Retail Price: **\$24.00**



L. Erickson Freshwater
Pearl & Crystal Comb

Code: **L12023**
Retail Price: **\$28.00**



L. Erickson Bohemian
Luxury Comb

Code: **L12026**
Retail Price: **\$38.00**



France Luxe Braided Side
Comb - Glassic

Code: **9673**
Retail Price: **\$20.00**





France Luxe Princess
French Twist Comb -
Nacre Brights

Code: **9589**
Retail Price: **\$100.00**



France Luxe Daisy Chain
French Twist Comb -
Classic

Code: **9706**
Retail Price: **\$48.00**



France Luxe Chicago Style -
Classic

Code: **9622**
Retail Price: **\$28.00**



France Luxe Classic Slide
Barrette - Classic

Code: **9620**
Retail Price: **\$29.00**



France Luxe Petite Bobby
Pin 4-Pack - Classic - As
Seen in InStyle Magazine

Code: **9579**
Retail Price: **\$6.00**



France Luxe Large Basic
Comb - Classic

Code: **9596**
Retail Price: **\$14.00**



France Luxe New Chignon
Pin - Classic

Code: **9566**
Retail Price: **\$18.00**



France Luxe Nine Teeth
Comb - Classic

Code: **9440**
Retail Price: **\$14.00**



France Luxe Susan Hair
Stick - Classic

Code: **9450**
Retail Price: **\$18.00**



France Luxe Santa Fe
Comb - Classic

Code: **9460**



France Luxe Mini Push Up
Comb - Classic

Code: **9461**



France Luxe Elysee Hair
Stick - Classic - As Seen in
Real Simple Magazine
FASHION PRESS

Retail Price: \$24.00

Retail Price: \$14.00

Code: 9423
Retail Price: \$26.00France Luxe Marie French
Twirl Comb - ClassicCode: 9384
Retail Price: \$38.00France Luxe Twisted Hair
Stick - ClassicCode: 2228
Retail Price: \$12.00France Luxe Hair Stick
Single - Classic - As Seen in
OK! Magazine
FASHION PRESS
Code: 2100H
Retail Price: \$11.00France Luxe Hair Stick
Single - Felt PlaidCode: 2100F
Retail Price: \$11.00France Luxe Hair Stick
Single - Scott & ScottishCode: 2100D
Retail Price: \$11.00France Luxe Hair Stick
Single - Fara PlaidCode: 2100C
Retail Price: \$11.00France Luxe Hair Stick
Single - Nacro BrightsCode: 2100B
Retail Price: \$11.00France Luxe Hair Stick
Single - Hypno StripsCode: 2100A
Retail Price: \$11.00France Luxe Four Circles
Slide - Classic - As Seen in
InStyle Magazine
FASHION PRESS
Code: 9306
Retail Price: \$17.00

France Luxe Oval Slide



France Luxe Rectangle



France Luxe Rectangle

Classic

Slide - Classic

Slide - Amber

Code: **9303**Retail Price: **\$17.00**Code: **9302**Retail Price: **\$14.00**Code: **9279**Retail Price: **\$28.00**Next 

Products Found: 66

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- French Twist Combs(8) • Hair Sticks(7)
- Hair Sticks(10)

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